



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

MAY 15 2003

Mr. David Norton
Vought Aircraft Industries, Inc.
P.O. Box 655907
Dallas, Texas 75165-5907

Ref. No. 03-0088

Dear Mr. Norton:

This responds to your March 14, 2003 letter requesting clarification on the proper classification of a plastic cartridge containing PR-1741 sealant under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the hazard class determination conducted in accordance with the HMR, as stated in the manufacturer's material safety data sheet (MSDS), also meets international criteria for determining the hazard class of a material.

According to your letter and enclosed manufacturer's MSDS, the sealant is flammable with a flashpoint of 68 degrees F. However, the manufacturer's MSDS states that the material was tested in accordance with the HMR, and, does not meet the definition of a flammable liquid or a flammable solid.

In addition, the manufacturer's MSDS states that the material is not regulated for transportation in accordance with the HMR. You ask if you can assume that the sealant is also non regulated under the International Civil Aviation Organization (ICAO) Technical Instructions and the International Air Transport Association (IATA) guidelines when transported by aircraft to France.

It is the shipper's responsibility to properly class, describe, and prepare a hazardous material for shipment in commerce under § 173.22. If a material does not meet the hazard class defining criteria in Part 173 of the HMR, and is not a hazardous waste, hazardous substance, or marine pollutant, it is not subject to the HMR. The hazard class defining criteria in the HMR is acceptable for international air shipment under the ICAO Technical Instructions and the IATA guidelines. However, the MSDS presents conflicting information concerning the hazard class of this material. One part of the MSDS indicates the flashpoint is 68 degrees F which meets the defining criteria in Part 173 of the HMR for a flammable liquid, and, another part of the MSDS indicates the material is not regulated. The MSDS



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does not indicate why the material with a flashpoint of 68 degrees F is not regulated under the HMR. Based on the conflicting information presented in this MSDS, this Office cannot give an opinion on the proper hazard class of your material.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



Vought

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14 March 2003

U.S. Department of Transportation
Office of Hazardous Materials Standards
400 Seventh St. S.W.
Washington, D.C. 20590

Dear Sir,

Our company may have the need in the near future to ship a plastic cartridge containing PR-1741 sealant to France via air. According to the manufacturer's MSDS, this sealant is flammable, with a flashpoint of 68 degrees F. However, the MSDS also states that testing was conducted in accordance with U.S. DOT and IATA regulations and has determined that the material is not classified as a flammable liquid and is not sufficiently ignitable to be classified as a flammable solid. In the transportation section of the MSDS, it also states the material is not regulated for transportation in accordance with DOT. A portion of the MSDS is provided for your review.

Is it really safe to say that the flammability testing conducted in the above mentioned statement can also apply IATA/ICAO regulations, thus making a shipment of this sealant to France via air non-regulated?

Sincerely,

David Norton

Vought Aircraft

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